

HOME/HTF Affordable Housing Development Grant Administration Manual
Tools and Resources
Sample Tribal Consultation Letter (HOME)

This sample letter, which is based on a HUD template available online at <https://www.hudexchange.info/resource/3785/tribal-consultation-letter-template/>, can be used by **local governments or the Department of Commerce** to consult with tribes during environmental review. Non-profit organizations may not consult directly with Tribes.

[Letterhead of the Local Government or Department of Commerce Responsible Entity]

[Date]

[Tribal Name (Nation)]

The Honorable [Name of Chairperson]

[Address 1]

[Address 2]

[City], [State] [Zip]

Re: [Name and Address of Project] (Consultation under 24 CFR Part 58.4)

Dear Chairman/Chairwoman [Name of Chairperson],

The [Name of Grantee] has been awarded a U.S. Department of Housing and Urban Development (HUD) [HOME Investment Partnerships (HOME)/Housing Trust Fund (HTF)] grant of \$[Amount] by the State of Montana, Department of Commerce (Commerce). The [Name of Grantee] is considering using its federal award to Brief Project Description (e.g., "rehabilitate 23 units for multi-family affordable housing on a vacant property formerly used for market-rate rentals"). Under HUD regulation 24 CFR 58.4, the [Name of Grantee or "Commerce" if Grantee Is NOT a Unit of Local Government] has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

[Name of Grantee or "Commerce" if Grantee Is NOT a Unit of Local Government] will conduct a review of this project to comply with Section 106 of the National Historic Preservation Act and its implementing regulations at 36 CFR Part 800. We would like to invite you to be a consulting party in this review to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project could affect them. If the project might have an adverse effect, we would like to discuss possible ways to avoid, minimize, or mitigate potential adverse effects.

[Summarize and include known information from SHPO and other sources including non-confidential information from Other Tribes]

To meet project timeframes, if you would like to be a consulting party on this project, can you please let us know of your interest within 30 days? If you have any initial concerns with impacts of the project on religious or cultural properties, can you please note them in your response?

Enclosed is a map that shows the project area and, if applicable, an additional area of potential indirect effects. The project consists of [full project description if brief description above is not sufficient]. More information on the Section 106 review process is available at <http://www.onecpd.info/environmental-review/historic-preservation/>.

HUD's process for tribal consultation under Section 106 is described in a Notice available at <https://www.onecpd.info/resource/2448/notice-cpd-12-006-tribal-consultation-under-24-cfr-part-58>.

If you do not wish to consult on this project, can you please inform us? If you do wish to consult, can you please include in your reply the name and contact information for the tribe's principal representative in the consultation? We value your assistance and look forward to consulting further if there are historic properties of religious or cultural significance to your tribe that may be affected by this project.

Sincerely,

[Name of Head of Unit of Local Gov't or Director of Commerce if Grantee Is NOT a Unit of Local Government *CONSULTATION WITH TRIBES MUST BE INITIATED BY HEAD OF RESPONSIBLE ENTITY'S UNIT OF LOCAL GOV'T. CONSULTANTS AND OTHERS MAY NOT INITIATE CONSULTATION*
[Title of Head of Unit of Local Gov't or "Director" (of Commerce) if Grantee Is NOT a Unit of Local Gov't]
[Name of Unit of Local Gov't or "Montana Department of Commerce" if Grantee Is NOT a Unit of Local Gov't]

CC: Name of Tribal Preservation Officer/THPO, Tribal Preservation Officer